

**REMARKS**

Claims 1, 6, 8 and 12-13 have been amended. Claims 1-6 and 8-14 are pending in this application.

Claims 1-6, 8, 10 and 13 were rejected under 35 U.S.C. § 112 ("Section 112"), first paragraph, as failing to comply with the written description requirement.

Claims 8 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-6, 8, 10 and 13 were rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 1, 8, 10 and 13 have been amended to remove the wording that formed the basis of the Section 112 rejections, and now recite the limitation of a control means (e.g., CPU 124) of the image pickup device "detecting charging of a rechargeable power supply of the image pickup device by the external record device." (See specification, for example, at pg. 45, ln. 10-15; and pg. 53, ln. 23-pg. 54, ln. 4). In addition, independent claim 6 has been amended to remove the wording that formed the basis of the Section 112 rejections, and now recites the limitation of a "control means for controlling transfer of image data, picked up the image pickup device, through the connection means ...." (See specification, for example, at pg. 26, ln. 7-9, pg. 27, ln. 12-15 and pg. 64, ln. 11-12). Accordingly, based on the amendments of claims 1, 6, 8, 10 and 13, the Section 112 rejections of claims 1-6, 8, 10 and 13 have been overcome and should be withdrawn.

The Examiner's statement that independent claims 11 and 14 are allowed is acknowledged.

Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 2000-137796 ("Aizawa"). Claims 9 and 12 were rejected under 35 U.S.C.

§ 103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0051639 ("Endo") in view of U.S. Patent Pub. No. 2003/0076440 ("Terane"). Claims 10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,167,206 ("Kayanuma") in view of U.S. Patent No. 6,832,275 ("Aizawa").

Amended independent claim 1 is directed to an image pickup device including connection means for connection to an external record device which is external to the image pickup device. The image pickup device, in relevant part, includes:

control means for detecting charging of a rechargeable power supply of the image pickup device by the external record device through the connection means; and

transfer processing means controlled by the control means for transferring the image data, recorded in the record medium, to the external record device automatically in response to detection by the control means of the charging by the external record device.

(emphasis added; see specification, for example, at pg. 45, ln. 10-17). Accordingly, in an image pickup device of claim 1, a control means, such as CPU 124, of the pickup device may detect charging of a rechargeable power supply of the pickup device by an external record device, which is external to the pickup device, and image data, which is recorded in a record medium of the image pickup device, may be transferred to the external record device automatically in response to detection by the control means of the charging of the power supply of the image pickup device by the external record device. As in the exemplary embodiment discussed in the specification, image data may be transferred automatically at the "moment" of detection of the charging of the rechargeable battery 122 of the image pickup device. (See specification, for example, at pg. 45, ln. 10-18).

The applied portions of Aizawa, which appear to disclose detecting at a camera of a physical or logical connection with a

PC, do not appear to disclose detecting charging, by an external record device, of a rechargeable power supply of an image pickup device through a connection means of the pickup device and transferring image data to the external record device "automatically in response to detection" of the charging, as now required by claim 1.

Accordingly, it is respectfully submitted that claim 1 is distinguishable from Aizawa.

Claims 2-4 depend from independent claim 1. As a result, claims 2-4 are distinguishable from Aizawa as applied by the Examiner for at least the reasons previously described above for claim 1, and because of the further restrictions claims 2-4 require.

Amended independent claims 9 and 12 include limitations corresponding to those of amended claim 1 discussed above. The applied portions of Endo, Terane and Nanba do not appear to disclose the above-described features of transferring the image data to the external record device "automatically in response to detection of the charging" of the rechargeable power supply of the image pickup device, as now recited in claims 9 and 12.

Accordingly, it is also respectfully submitted that independent claims 9 and 12 are distinguishable from the combination of Endo, Terane and Naba applied by the Examiner for at least the above reasons.

Amended independent claims 10 and 13 recite, in relevant part, the above described features of detecting charging of a rechargeable power supply of the image pickup device and transferring image data to the external record device "automatically in response to detection" of the charging and, furthermore,

detecting an overflow probability in the record medium of the image pickup device after an image is picked up by the image pickup device based on an image pickup command

(Emphasis added; see specification, for example, at pg. 45, ln. 10-18 and pg. 46, 9-11 and 17-19, ln. 9-10).

The Examiner admitted that Kayanuma does not disclose detecting an overflow. In addition, the applied portions of Kayanuma do not appear to detect an overflow probability, as now required by claims 10 and 13.

Aizawa does not cure the deficiencies of Kayanuma with respect to the above-described requirements of claims 10 and 13 as described. The applied portions of Aizawa appear merely to determine if an image data recordable area is available in a camera. (See Col. 7, ln. 8-10 and step S404 of FIG. 4). Nowhere do the applied portions of Aizawa disclose detecting an overflow probability in the record medium of the image pickup device, as required by claims 10 and 13.

Accordingly, claims 10 and 13 are distinguishable over Kayanuma and Aizawa as applied by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 27, 2010

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